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## State Election Commission Election Guide

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## 1. Introduction

Prior to, during, and after a statewide election there are certain tasks that State Election Commission staff must complete to ensure that every county has a successful election. This Guide attempts to address these tasks and to provide established institutional knowledge to current and new staff.

Soon, many highly experienced State Election Commission staff will be retiring. With them leaves a considerable amount of institutional knowledge. This manual is an effort to capture that knowledge.

Over the past 38 years, the State Election Commission has been at the forefront of elections in the United States. Its executive directors have had the vision to keep the State Election Commission dynamic and responsive. Even in the past four years the Commission has changed. The State Election Commission has worked with the General Assembly and the federally mandated Help America Vote Act to successfully implement a single electronic voting system statewide.

This guide will help the South Carolina State Election Commission continue to maintain its position as a leader in elections as it trains the election staff of tomorrow.

## 1. State Election Commission Overview

The State Election Commission was created in 1968 by the General Assembly of South Carolina. The General Assembly removed the State Election Commission from the Secretary of State's office in order to separate the commission from partisan politics.

The State Election Commission is charged with the responsibility for operation of the State's system of voter registration. Prior to each election held in the State, the Commission must furnish a list of voters to be used therein. All ballots for State offices, Constitutional Amendment ballots and election materials used in the General

Election are furnished by the Commission. Also, the Commission is ex officio the State Board of Canvassers and the State Board of Voting Machine Commissioners. The Commission conducts a comprehensive statewide training program for poll managers and provides voting information to all citizens of the State.

The State Election Commission consists of three main divisions: Public Information and Training, Voter Services, and Administration and Finance. These three divisions work in conjunction to accomplish the tasks associated with a statewide election. The purpose of this guide is to explain the tasks that all three divisions must complete in order to have a successful statewide election.

## 2. Initializing an Election

Elections, in South Carolina, can be conducted by two different types of local government – county and municipal.

### **Municipal Government**

In South Carolina, some municipalities have election commissions. These commissions also have a set number of commissioners based on South Carolina's Title 5 Code of Laws. Municipal election commissions conduct only those elections within the municipality such as city council, mayoral, and special elections associated with those offices. Some municipalities have chosen to contract with their county election commission to conduct their municipal elections. All municipalities must contact the State Election Commission to obtain election books and/or EVRL services for each election.

### **County Government**

In South Carolina, all counties have voter registration and election commission offices. Some counties have chosen to combine these two offices to more efficiently manage these services for its constituents. County election commissions and voter registration offices use South Carolina's Title 7 Code of Laws to conduct elections.

County election commissions conduct countywide elections and also work with the State Election Commission to conduct statewide elections. Counties must rely on the State Election Commission to provide the candidate names and offices for statewide elections. County voter registration offices must contact the State Election Commission to obtain election books and/or EVRL services.

### **State Government**

The State Election Commission was created in 1968 by the South Carolina General Assembly. It was moved from the Secretary of State's office to separate the commission from the politics of South Carolina. The General Assembly believed that the State Election Commission could better serve the citizens of South Carolina if it were separated from the partisan politics of the State.

The State Election Commission's mission is to provide direction and support to county election commission and voter registration offices. The State Election Commission is centrally located in Columbia, South Carolina and is directed by an executive director and a 5-member board of commissioners. The commissioners are appointed by the Governor and are not required to obtain Senate approval. The executive director is chosen by the board of commissioners and serves at their request.

The State Election Commission consists of three main divisions: Public Information and Training, Voter Services, and Administration and Finance. These three divisions work in conjunction to accomplish the tasks associated with a statewide election. The State Election Commission does not conduct elections, but rather, provides support and direction to county and municipal election commissions.

## 1. Saleable Data

Interested parties may contact the State Election Commission year round to obtain statistical data regarding South Carolina's voter registration demographics, statistical information, and election results. Many candidates, political parties, voter education groups, and federal and state agencies request this information.

The State Election Commission sells the following types of data:

- Voter Registration Lists – This list contains demographic information on registered voters in South Carolina.

- **Election Results** – The Election Results file can contain election results from any statewide election.
- **Statistical Information** – The Statistical Information file can contain voters who voted during statewide General or Primary elections and demographic information on registered voters that voted during a statewide elections cycle.
- **Voter History** – The Voter History file contains information on which registered voters voted in a specific election.

Information regarding the sale of this data can be found on the State Election Commission's website

<http://scvotes.org>

## 2. Candidates and Candidacy

South Carolina statewide elections are based on the South Carolina Election Calendar. This calendar displays the deadlines for candidates to file, election dates, and protest and appeal deadlines. Before a statewide election is conducted, candidates will file to participate in the election.

In South Carolina there are three different types of candidates:

- **Party Candidates** – These are candidates that file with a particular political party. They pay a filing fee to their respective party that is transferred to the State Election Commission and is used to offset the cost of conducting the statewide Primary Election. Party Candidates' names appear on the ballot along with their party affiliation.
- **Petition Candidates** – These candidates have chosen to not file with a particular political party and to not pay a filing fee. They must, however, garner signatures via a petition to run for office. South Carolina's Election Laws state the requirements for Petition Candidates. Petition Candidates' names appear on the ballot but appear with the designation of Petition as their party affiliation.
- **Write-In Candidates** – These candidates have chosen to not file with a particular political party and to not pay a filing fee. Also, Write-In Candidates are not required to gather signatures via a petition. These candidates' names do not appear on the ballot.

## 3. Defining the Election

In order to conduct an election, counties and municipalities must first define the election. Defining an election simply means that an election commission must determine the layout of an election. To determine the layout of the election, the election commission gathers the following information:

- Candidates filing for specific offices that will appear in the election
- Offices that appear in the election
- Precincts involved in the election

Once this data has been gathered, the election commission starts defining the election. South Carolina counties have several options to choose from when defining their elections. They may choose to:

1. Contract with the State Election Commission
2. Contract with Election Systems and Software (ES&S)
3. Contract with an independent voting system technician, or
4. Define the election themselves.

If a county chooses Option 1, the State Election Commission will require the county to complete an Election Information Form. This form helps the county and the State Election Commission determine the layout of the election. The State Election Commission will also create a county-specific election folder that will hold all pertinent forms and paperwork associated with the election. An Election Folder includes the following information.

- Master Election Checklist
- Election Order Form
- Election Information Form
- Data Validation Checklist

- Election Definition Sign-off Worksheet
- EDM Report 1
- EDM Report 2
- Election Definition Checklist
- Quality Control Checklist
- Paper Ballot Proofs
- Electronic Ballot Proofs
- Ballot Proof Sign-off Worksheet
- Correspondence (oldest back to front)
- Election Definition Change Log
- Client Evaluation
- Post Election Review

Once the Election Folder has been created, the Voter Services Division Supervisor will determine which member of the Voter Services Division staff will define the election. Once a member of the Voter Services Division staff has received the Election Folder, they will then work with the county to insure that the Election Information Form is correct. Afterwards, they will begin to define the election using the current South Carolina Election Management System. Please refer to the *Election Definition* and the *Election Preparation and Results Accumulation Guides* for more specific information on defining and testing elections.

During the defining of an election, the Voter Services Division staff will provide paper and electronic ballot proof sheets for the county election commission. The county election commission will be required to sign-off on the layout of these ballot proofs and return them with a verification signature to the Voter Services Division staff that is defining their election.

The Public Information and Training Division will also work with the Voter Services Division to proof statewide ballots. The Public Information and Training Division will ensure that the ballots follow the standards set forth in South Carolina Election Law.

After the election has been defined and all pertinent proof sheets have been noted as correct, the Voter Services Division staff will place the election on a CD-ROM and send to the county election commission. The county election commission staff will then use the *Election Preparation and Results Accumulation Guide* to prepare for the election.

#### 4. Requesting Election Books and/or the Electronic Voter Registration List (EVRL)

Each county voter registration office must contact the Voter Services Division of the State Election Commission to request election books for any election. Election Books contain the voter registration information for a specified county. Election Books are divided by precinct for the county. A Voter Services Division employee enters the county information into the state's online voter registration system and will work with the Budget and Control Board's Central Information Officer (CIO) to process the election book request.

Once the election book has been created, both the State Election Commission and the CIO will use the *Election Books Checklist* to insure that the election book is correct. Afterwards, the election book is mailed to the county voter registration office. The county is then directed to personally insure that the information provided in the election book is accurate.

If a county voter registration office wishes to contract with the State Election Commission to use its Electronic Voter Registration List (EVRL) the county voter registration office must contact the Voter Services Division of the State Election Commission. A Voter Services Division employee will enter the county information into the state's online voter registration system and will work with the CIO to produce a county voter registration file for use with the State Election Commission's EVRL application.

Once the county voter registration file has been created, a Voter Services Division employee will install the file in the EVRL application and coordinate with the county voter registration office the method of distribution to the county.

#### 5. County Mail-Out

The State Election Commission's Public Information and Training Division conduct a mail-out to all counties during a statewide election cycle. This division normally conducts two county mail-outs during a statewide election cycle. The first county mail-out is conducted before the Primary Election, and the second, before the General Election.

Much of the information sent to counties is now being published on ElectionNET – the web portal for South Carolina's election community. Some information, though, must still be sent to counties via the US Postal Service.

There is no legal requirement in South Carolina's Election Law that stipulates that the State Election Commission must conduct county mail-outs during each statewide election cycle. However, the State Election Commission conducts county mail-outs in order to assist and give guidance to counties conducting the statewide Primary and General elections.

### 3. Training and Certification

#### 1. Training and Certification

The State Election Commission is legally required to provide training and certification classes to county election commission and voter registration staff and commissioners. (§7-5-10 and §7-13-70) The Training and Certification classes are conducted constantly throughout the State of South Carolina. County Election Commission and Voter Registration staff and commissioners must meet the requirements of the Training and Certification program by taking required classes and/or elective classes. There is one of two "tracks" that voter registration and election officials may take depending on their job title. The first "track" is for voter registration and election directors and commissioners. The second "track" is for voter registration and election staff. The Training and Certification classes are listed below.

- Duties of the Voter Registration Board
- Duties of the Election Commission
- Budgeting / Reimbursement of Election Expenses
- Absentee Registration/Balloting
- Ballot Layout
- Conducting Municipal Elections
- Election Law Violations
- Election Problems
- Elections A – Z
- Increasing Voter Participation
- Office Procedures
- Overview of Voter Registration and Elections
- Protest Hearings
- Quality Voter Registration and Election Office
- Redistricting / Re-precincting
- Training Poll Managers
- Voting Acts Rights Submissions, Introduction
- Voting Acts Rights Submissions, Advanced
- Business Etiquette
- Business Writing
- Communication Skills
- Delighting the Customer / Keeping the Customer Happy
- Disability Awareness and Sensibility Training
- Employee Motivation
- Ethics
- Exceptional Customer Service
- Introduction to the Internet – Elections Surfing
- Making Effective Presentations
- Making Your Board the Best it Can Be
- Media Relations
- Being Organized
- Promoting a Professional Image
- Public Speaking

- Records Retention
- Team Building Skills
- Time and Stress Management
- Winning Through Your Attitude

## 2. State Election Commission Support to Counties

The State Election Commission will often provide Election Day and Night support to counties that request this service. The State Election Commission has contracted with voting system technicians called Rovers. Rovers are versed in all aspects of the voting system and may have some experience with the election management system.

The State Election Commission recommends that county election commissions employee citizens from their county as Rovers. The State Election Commission has also employed, on a contractual basis, a pool of Rovers that may be dispatched to counties in need of additional Rover support. Before a statewide election, the State Election Commission conducts refresher training for its Rovers and then determines counties that may need or have requested Rover support. Before dispatching State Election Commission Rovers, the State Election Commission will contact the county requesting support and provide the county with the name and phone numbers of the Rover. State Election Commission Rovers also are provided with a State Election Commission badge for reasons of election security.

State Election Commission Rovers are required to document their actions while in a county. They use the following forms.

- *iVotronic Malfunction Form* – This form is only used when the Rover has exhausted their resources in trying to troubleshoot the malfunctioning electronic voting machine.
- *Election Issue Log* – This form should be used for any issue that may arise in the county. Rovers are reminded that issues are not necessarily problems. Examples of some issues are: polling place was not opened at 7 AM, poll workers followed improper procedures, and voter did not press VOTE button. Rovers are also instructed to document the resolution of the issue.

Once a Rover returns to the State Election Commission office, a staff member of the Voter Services Division will meet with the Rover to obtain all documentation. This staff member will then compile all pertinent statewide election issues into one document and work with the Voter Services Division Director to determine how to correct the documented issues.

The State Election Commission also provides training to county rover personnel that choose to serve in this capacity. The State Election Commission has created several forms and manuals that assist these Rovers in conducting their Election Day and Night duties.

During the course of a statewide election cycle, State Election Commission Rovers must complete a W9 and P4 form. These forms must be filed with the Administration and Finance Division of the State Election Commission. Rovers are reimbursed for mileage in the service of their duties. Rovers are also paid a flat rate of \$250. The election fund is used to pay Rovers.

## 3. Election Conferences

During a statewide election cycle, the State Election Commission often conducts Primary and General Election Conferences. These conferences help the State Election Commission gather all county voter registration offices and election commissions together so that important pieces of information can be disseminated at one time in one place.

The Public Information and Training Division of the State Election Commission works with several different vendors to secure a training location and lunch for the conference.

## 4. User's Group Facilitation

The State Election Commission, the statewide electronic voting machine vendor, and county election commissions and voter registration offices have created the South Carolina User's Group. This group meets together to discuss issues with voting equipment, billing, contractual services, etc. The purpose of this group is to work together to

conduct successful statewide elections in South Carolina.

The South Carolina User's Group is a committee of the South Carolina Association of Registration and Election Officials (SCARE). The State Election Commission and the statewide electronic voting machine vendor will work together to correct any issues that are acknowledged in User's Group meetings.

#### 4. Logistics

##### 1. SEC Election Central

Election Central is the term that describes where State Election Commission staff monitors the progress of Election Day throughout the State of South Carolina and nation. The State Election Commission currently designates two rooms for Election Central. Coordinating the set-up of these two rooms is critical in managing and conducting a statewide election.

- Conference Room and Library – The SEC Conference Room is designated as the public information center. This room is staffed by the Public Information Officer and any applicable staff fielding phone calls from county election commission and voter registration offices and the South Carolina press as well as drafting public statements regarding the election.

Several laptops and televisions are required to monitor the progress of the election throughout the day. Also this room is required to have at least one phone connection.

- Training Room – The SEC Training Room is designated as the results accumulation center. This room is staffed by several staff members of the Voter Services Division. These staff members field phone calls from county election commission and voter registration offices. They also coordinate the activity of statewide rovers and manage the public display of Election Day results.

This room is required to have several laptops, a whiteboard, and several phone connections. In order to acquire new phone connections and handsets, the State Election Commission will be required to work with the CIO.

##### 2. Election Night Results Display

The State Election Commission uses its public information and education website, <http://scvotes.org>, to display Election Day results to the public. Counties are required to submit an election results file to the State Election Commission. Currently, the State Election Commission uses the *Transmitting Election Results Guide* to help counties submit this file.

Once counties submit their election results file, the State Election Commission acknowledges that the county has submitted their file by documenting this electronically to all other Election Central staff members. A designated Election Central staff member will upload the results to <http://scvotes.org> and then request that the county staff verify that the results are correct. Once the county has verified that the results are correct, a designated Election Central staff member documents this electronically to all other Election Central staff members.

#### 5. Election Day and Night

In order to conduct a successful election, the State Election Commission needs to capture "Best Practices" and learn from mistakes. In an effort to accomplish this task, the State Election Commission has created several forms.

- State Election Commission and County Staff – State Election Commission and County Staff are required to document all phone calls that require their staffs to troubleshoot any perceived or known issue. These calls may come from the voting public, rovers, poll workers, or county staff.

After an election, the State Election Commission will contact counties to compile these issue and phone logs. After these logs have been gathered, the State Election Commission will hold meetings with State Election Commission and county staffs to determine how to improve processes.



- **Rovers** – Rovers are required to carry folders that contain several different types of forms. These include *iVotronic Malfunction Certificates* and *Election Day Problem Logs*.

## 1. Election Day Support

All elections, in South Carolina, start at 7 AM and end at 7 PM. Some polling places may remain open later than 7 PM, though, if there are several voters in line at the 7 PM closing time.

Starting before 7 AM, several key members of the State Election Commission's Public Information and Training and Voter Services Division departments will answer phone calls.

Also, throughout Election Day, several members of the Voter Services Division will contact the South Carolina Department of Motor Vehicles regarding the Motor Voter program. The Motor Voter program is officially titled, the National Voter Registration Act (NVRA). This program was enacted by Congress in 1993 to, "enhance voting opportunities for every American" ([http://www.usdoj.gov/crt/voting/nvra/activ\\_nvra.htm](http://www.usdoj.gov/crt/voting/nvra/activ_nvra.htm) ). This act allowed voters to register to vote at several state agencies that provide services for the general public.

South Carolina voters may register to vote at several different South Carolina state agencies. These agencies are:

- Department of Motor Vehicles (DMV)
- Vocational Rehabilitation
- Commission for the Blind
- Department of Social Services (DSS)
- Department of Health and Environmental Services – WIC Program
- Department of Alcohol and Other Drug Abuse Services (DAODAS)
- Department of Disabilities and Special Needs (DDSN)
- Department of Mental Health (DMH)

Issues may arise with registering voters at one of these state agencies where a voter's request has failed to reach the county voter registration office. A voter may enter a precinct and attempt to vote. If their name fails to appear on the election book, the poll worker then contacts the county voter registration office. If the county voter registration office cannot reconcile this issue and the voter insists that they registered to vote with a Motor Voter agency, the county voter registration office will contact the State Election Commission Voter Services Division. When this happens, the Voter Services Division staff contacts DMV to ensure that the voter did request to register to vote. After determining the status of the voter, the Voter Services Division staff will communicate this to the county voter registration office which will determine if the voter can cast a ballot.

Public Information and Training staff members monitor television, newspaper, and radio reports on Election Day. If needed, the Public Information Officer will issue statements to the press.

State Election Commission Information Technology staff members monitor the State Election Commission's public website – <http://scvotes.org> . This staff member will monitor the site's usage and display for possible egregious attacks.

## 2. Election Night

Once the polls have closed counties will tally results and then send results files to the State Election Commission. Voter Services Division staff members will receive these results files in the State Election Commission's Election Central. Other staff members will answer calls from counties to help troubleshoot issues related to closing the polls, malfunctioning machines, and tallying and submitting results. The Public Information and Training Division will answer calls from counties that may have issues dealing with the public and press.

Once counties submit their election results file, the State Election Commission acknowledges that the county has submitted their file by documenting this electronically to all other Election Central staff members. A designated Election Central staff member will upload the results to <http://scvotes.org> and then request that the county staff verify that the results are correct. Once the county has verified that the results are correct, a designated Election Central staff member documents this electronically to all other Election Central staff members.

## 6. Certification, Recounts, and Runoffs

### 1. County Certification

On Election Night counties tally unofficial results from their precincts and submit those totals to the State Election Commission. The State Election Commission then makes these unofficial results public via <http://scvotes.org>. After all elections a county must inform the public 24 hours in advance that their election commissioners will meet to certify the election's results. After a statewide Primary Election county election commissioners must meet on the Thursday after the election to certify the results. After a statewide General Election county election commissioners must meet on the Friday after the election to certify the results. During this meeting of the county's commissioners, the commissioners may determine that necessary recounts or runoffs may be required. If a recount or runoff is required, the county election commission must notify the State Election Commission immediately.

The county election commission meets at the county seat and organizes as the County Board of Canvassers to declare the results of a Primary, General, or Special Election.

The commission may appoint someone to serve as secretary. The chairperson administers the constitutional oath to each member of the Board and to the secretary, and the secretary administers the same oath to the chairperson. (§7-17-10)

*"I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of this State and of the United States. So help me God."*

Once the results have been certified by the county election commissioners, the county election commission staff must submit a certified results file to Voter Services Division staff and a signed certification sheet to the Public Information and Training staff. After receiving a certified results file, the Voter Services Division staff will acknowledge that the county has submitted their file by documenting this electronically to all other Election Central staff members. A designated Election Central staff member will upload the results to <http://scvotes.org> and then request that the county staff verify that the results are correct. Once the county has verified that the results are correct, a designated Election Central staff member documents this electronically to all other Election Central staff members.

### 2. SEC Certification

The State Election Commission's commissioners must also meet to certify the statewide election's results. The State Election Commission staff will post a 24 hour notice to the public notifying that the State Board of Canvassers will meet to certify the statewide election's results.

The Public Information Officer will work with a member of the Voter Services Division to produce election results reports for the State Election Commission's Board of Canvassers to certify. The Public Information Officer and a member of the Voter Services Division staff will meet to use the Election Night results application to flag winners, recounts, and runoffs. These reports will include:

- Individual county election results by precinct
- Statewide constitutional office election results by county
- Any Special Election results

These two staff members will also change the online results display to reflect the State Election Commission's certification of election results. As soon as the State Election Commission has certified the election results, these two staff members will display the certified results on <http://www.scvotes.org>, with the title of "Official Results".

### 3. Recounts

South Carolina Election Law specifically describes how the State Election Commission and counties should determine that a recount is necessary. If a recount is needed for a countywide or less than countywide office, then the county will conduct the recount and certify the winners on the county level. If the recount is needed for a statewide office, then the State Election Commission will work with the counties to determine the proper

procedures for recounting the election.

In 2006, the State Election Commission created a short guide to instruct counties on how to conduct a recount using the election management system at that time. If a different election management system is in current use, the State Election Commission should create or modify the existing guide.

After a statewide recount has occurred, each county election commission will follow the same steps used on Election Night to report their recounted totals to the State Election Commission. Voter Services Division staff will collect these recounted totals and display them on <http://www.scvotes.org>. The Public Information Officer and a Voter Services Division staff member will work together to produce reports for the State Board of Canvassers to certify. The State Board of Canvassers will meet and certify the results of the Recount.

These two staff members will also change the online results display to reflect the State Election Commission's certification of election results. As soon as the State Election Commission has certified the election results, these two staff members will display the certified results on <http://www.scvotes.org>, with the title of "Official Results".

#### 4. Runoffs and Runoff Certification

The State Board of Canvassers may call for a Runoff Election to be conducted for Federal, Statewide, SC House and Senate, and Solicitor races as required by law. South Carolina Election Law mandates that Runoff Elections be conducted two weeks following the statewide Primary or General Election.

Once a Runoff Election has been acknowledged, the State Election Commission will work with counties to prepare for the new election. The county election commissions will conduct the election and transmit Election Night results to the State Election Commission using the *Transmitting Election Results* guide.

The Public Information Officer and a Voter Services Division staff member will work together to produce reports for the State Board of Canvassers to certify. The State Board of Canvassers will meet and certify the results of the Runoff Election.

These two staff members will also change the online results display to reflect the State Election Commission's certification of election results. As soon as the State Election Commission has certified the election results, these two staff members will display the certified results on <http://www.scvotes.org>, with the title of "Official Results".

#### 5. SEC Certified Results Reports

After the State Board of Canvassers certifies any statewide election's results, a copy of the winners for all offices must be sent to the Secretary of State's office.

The Secretary of State's office will administer the Oath of Office to candidates that have won their respective races.

#### 7. Protests and Appeals

##### 1. Protests

Only candidates have protest status. Protests filed by other parties are not allowed and should not be accepted as an official protest. An important exception to the statement above is provided by sections §7-17-700 and §7-17-710:

In the event a candidate in a General or Special Election, a nonpartisan election or Primary election dies after the election, but before the time for filing a protest or dies after a protest has been filed in a timely manner, his political party or a representative duly appointed by the court may file or continue the protest in his behalf.

The protestant must file the protest and a copy for each candidate in the race with the chairperson of the County Board of Canvassers or with the County Sheriff. The Sheriff then immediately delivers the protest to the chairperson. If the election commission has an office and staff, a staff member can be authorized to accept protests on behalf of the chairperson.

#### Primary Protest Schedule

Type of Office	Deadline to File Protest	Where to File	Who Hears Protest	When Protests are Heard	SC Code of Laws
Municipal	Within two days of closing of Polls	Chairperson, Municipal Party	Municipal Party Executive Committee	Within five days after filing protest	§5-15-80
Less than Countywide or Countywide	Noon, Monday following certification	Chairperson, Co. Executive Committee or Co. Sheriff	County Executive Committee	Thursday following the deadline to file protest	§7-17-520 §7-17-530
Multiple Counties	Noon, Monday following certification	Chairperson, State Executive Committee or SLED	State Executive Committee	Thursday following the deadline to file protest	§7-17-560 §7-17-570
SC House of Representatives	Noon, Monday following certification	Chairperson, State Executive Committee or SLED	State Executive Committee	Thursday following the deadline to file protest	§7-17-560 §7-17-570
SC Senate	Noon, Monday following certification	Chairperson, State Executive Committee or SLED	State Executive Committee	Thursday following the deadline to file protest	§7-17-560 §7-17-570
Statewide	Noon, Monday following certification	Chairperson, State Executive Committee or SLED	State Executive Committee	Thursday following the deadline to file protest	§7-17-560 §7-17-570

### Election Protest Schedule

Type of Office	Deadline to File Protest	Where to File	Who Hears Protest	When Protests are Heard	SC Code of Laws
Municipal	Within 48 hours of closing of polls	Chairperson, Municipal Election Commission	MEC – CEC will hear protest if municipality has transferred duty to County	Within 48 hours of close of polls	§5-15-130
Less than Countywide or Countywide	Noon, Wednesday following certification	Chairperson, Co. Executive Committee or Co. Sheriff	County Election Commission	Monday following the deadline to file protest	§7-17-30
Multiple Counties	Noon, 5 days following certification	Chairperson, SEC or Chief, SLED	State Election Commission	Not earlier than the 5 <sup>th</sup> or later than the 25 <sup>th</sup> day following receipt of protest	§7-17-260
SC House of Representatives	Noon, 5 days following certification	Chairperson, SEC or Chief, SLED	State Election Commission	Not earlier than the 5 <sup>th</sup> or later than the 25 <sup>th</sup>	§7-17-560 §7-17-570

				day following receipt of protest	
SC Senate	Noon, 5 days following certification	Chairperson, SEC or Chief, SLED	State Election Commission	Not earlier than the 5 <sup>th</sup> or later than the 25 <sup>th</sup> day following receipt of protest	§7-17-560 §7-17-570
Statewide	Noon, 5 days following certification	Chairperson, SEC or Chief, SLED	State Election Commission	Not earlier than the 5 <sup>th</sup> or later than the 25 <sup>th</sup> day following receipt of protest	§7-17-560 §7-17-570

## 2. Appeals

Appeals, from decisions of protests in municipal elections, must be filed within 10 days after notice of such decision to the Court of Common Pleas. Appeals following a Primary are filed with and heard by the State Executive Committee.

Notice of appeal and the grounds of the appeal must be filed with the State Election Commission or by depositing a copy of the appeal and grounds with the Chief of the State Law Enforcement Division in Columbia.

A sufficient number of copies to be served on all candidates in the race must also be delivered to the County Sheriff. The Sheriff must ensure that the copies are delivered to the respective parties.

The State Board of Canvassers must meet in Columbia not later than noon on Monday 14 days following the filing of any appeal. The State Board is bound by the facts as determined by the County unless at least two members vote to review such facts. In the event of such review, the State Board may receive any new evidence or exhibits it deems necessary to determine the appeal.

### Primary Appeal Schedule

Type of Office	Deadline to File Appeal	Where to File	Who Hears Appeal	SC Code of Laws
Municipal	Within 5 days of decision	Chairperson, Board of State Canvassers of Municipal Primaries	Board of State Canvassers of Municipal Primaries	§5-15-80
Less than Countywide or Countywide	Not later than 3 PM, Friday following county executive committee's decision	Chairperson, State Executive Committee	State Executive Committee	§7-17-540
Multiple Counties		Supreme Court*	Supreme Court*	
SC House of Representatives		Supreme Court*	Supreme Court*	
SC Senate		Supreme Court*	Supreme Court*	
Statewide		Supreme Court*	Supreme Court*	

\*Review of a state party's ruling in an election protest is by the State Supreme Court by writ of certari. Gregory v. State Democratic Party, 247 S.E.2d 439

**Election Appeal Schedule**

Type of Office	Deadline to File Appeal	Where to File	Who Hears Appeal	SC Code of Laws
Municipal	Within 10 days of MEC's decision	Clerk of Court*	Court of Common Pleas*	§5-15-140
Less than Countywide or Countywide	Noon, Monday following CEC's decision	Chairperson, SEC	State Election Commission	§7-17-60 §7-17-70
Multiple Counties	Within 10 days of SEC's decision	Supreme Court	Supreme Court	§7-17-250 §7-17-270
SC House of Representatives	Within 10 days of SEC's decision	House of Representatives	House of Representatives	§7-17-250
SC Senate	Within 10 days of SEC's decision	Senate	Senate	§7-17-250
Statewide	Within 10 days of SEC's decision	Supreme Court	Supreme Court	§7-17-250 §7-17-270

\*If the municipality has transferred the authority to hear protests to the County Election Commission, the appeal will be filed with the State Election Commission instead of the Clerk of Court.

**8. Post Election Day Duties****1. Entering Provisional Ballots**

In 2002, Congress enacted the Help America Vote Act (HAVA). This act enabled voters to cast provisional ballots. A provisional ballot ensures that a voter may cast a ballot. The provisional ballot will be inspected by election officials and a determination will be made to count or not count the ballot due to a number of reasons. A voter may be required to cast a provisional ballot in South Carolina due to a question of the validity of their voter registration.

During the county's certification, the county commissioners will determine whether or not to count each provisional ballot cast in their county. After this determination has been made county staff will manually enter the counted and not counted ballots into the Provisional Ballot Status website using the *Provisional Ballot Status Guide*. South Carolina must capture the number of counted and not counted provisional ballots due to HAVA.

Before and after each statewide election, the State Election Commission reminds counties to enter this information into the Provisional Ballot Status website. After this information has been gathered, a State Election Commission staff member will work with the Election Assistance Commission to transmit this data to the federal government.

**2. Voter History**

After each statewide election, counties must send either their election books or EVRL file back to the State Election Commission. State Election Commission staff will scan these books to capture voter history. Once voter history has been captured, the State Election Commission works with the CIO to place this data into a saleable file for citizens to purchase.